

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 25-CV-20757-JB

JANE DOE, Miami, Florida  
Plaintiff, April 4, 2025  
vs. 4:37 p.m. - 4:56 p.m.  
STEVEN K. BONNELL, II, Volume 1 of 1  
Defendant. Pages 1 to 16

**STATUS CONFERENCE  
BEFORE THE HONORABLE JACQUELINE BECERRA  
UNITED STATES DISTRICT JUDGE**

## APPEARANCES:

FOR THE PLAINTIFF:  
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PATRICIA MARIE PATINO ESQ-Zoom  
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STENOGRAPHICALLY REPORTED BY:

VERNITA ALLEN-WILLIAMS, RPR, RMR, FCRR  
Official Court Reporter to:  
The Honorable Jacqueline Becerra  
United States District Court  
Southern District of Florida  
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1 (Call to the order of the Court at 4:37 p.m.)  
04:37PM 2 THE COURTROOM DEPUTY: Case No. 25-CV-20757-Becerra, Doe  
04:37PM 3 vs. Bonnell.

04:37PM 4 Counsel, please state your appearances for the record,  
04:37PM 5 starting with the plaintiffs that are present in the courtroom,  
04:37PM 6 defendant present in the courtroom, and then the parties on Zoom.

04:37PM 7 MS. SCHLUMP: Good afternoon, Your Honor. Joan Peters  
04:37PM 8 Schlump on behalf of the plaintiff.

04:37PM 9 MR. GARCIA PEREZ: Good afternoon, Your Honor. Carlos  
04:37PM 10 Garcia Perez on behalf of the plaintiff.

04:37PM 11 MR. RASKOPF: Good afternoon, Your Honor. Robert Raskopf  
04:37PM 12 from Bilzin Sumberg for the defendant.

04:37PM 13 MR. BRETTLER: Good afternoon, Your Honor. Andrew  
04:38PM 14 Brettler. Thank you for allowing me to appear remotely. Also for  
04:38PM 15 the defendant.

04:38PM 16 MS. PATINO: Patricia Patino from Bilzin Sumberg on  
04:38PM 17 behalf of the defendant.

04:38PM 18 THE COURT: Are you from the Miami office?

04:38PM 19 MS. PATINO: I am. I'm just not in Miami at this moment.

04:38PM 20 THE COURT: I don't like Zoom hearings. Everybody can be  
04:38PM 21 seated. I only allow counsel that are out of town. I just don't  
04:38PM 22 want to give anybody a misimpression about when I allow Zoom  
04:38PM 23 hearings. You can be seated, counsel.

04:38PM 24 MR. RASKOPF: Thank you, Your Honor.

04:38PM 25 THE COURT: So this case has been pending for a number of

04:38PM 1 months.

04:38PM 2 You looked at me a little cockeyed, ma'am. Didn't you  
04:38PM 3 file it a couple months ago?

04:38PM 4 MS. SCHLUMP: February 21st, I believe.

04:38PM 5 THE COURT: Yes.

04:38PM 6 MS. SCHLUMP: Yes, correct.

04:38PM 7 THE COURT: It's April. So it's been filed. The parties  
04:38PM 8 have already met for the joint status report; that was already  
04:38PM 9 filed. I've got a scheduling order. The defendants have  
04:38PM 10 answered.

04:38PM 11 And now last night I get a TRO based on facts that don't  
04:38PM 12 appear to be any different from the complaint; so I want to hear  
04:39PM 13 just very briefly as to why I should entertain the TRO as opposed  
04:39PM 14 to just setting it down for a preliminary injunction.

04:39PM 15 MS. SCHLUMP: Well, Your Honor, I do apologize for the  
04:39PM 16 delay in getting that motion out. There are a number of reasons  
04:39PM 17 why that happened. One -- and I hate to go into personal things,  
04:39PM 18 but -- Mr. Garcia was dealing with a cancer issue and going back  
04:39PM 19 and forth to Texas.

04:39PM 20 I had pneumonia, and I was out straight for more than two  
04:39PM 21 weeks; so we were really set back. There's just two of us working  
04:39PM 22 on this case, and so that significantly delayed us. But there's  
04:39PM 23 also other reasons, which is that we were trying to gather  
04:39PM 24 affidavits from witnesses to bolster our evidence for the TRO and  
04:39PM 25 get, you know, witnesses lined up for it.

04:40PM 1           Unfortunately, what we have encountered we have a number  
04:40PM 2 of women that have come forward to us but have then backed out  
04:40PM 3 because they are afraid of retaliation, and that's what they've  
04:40PM 4 told us, and so we were not able to get these affidavits. We went  
04:40PM 5 with what we have now, which basically we went from 15 potential  
04:40PM 6 witnesses providing evidence, down to the one witness in addition  
04:40PM 7 to the plaintiff.

04:40PM 8           THE COURT: That doesn't have anything to do with  
04:40PM 9 anything. This is not a class action. You filed on behalf of one  
04:40PM 10 woman. The TRO requests that he remove the video of the one  
04:40PM 11 woman, and then there is a request with respect to whether or not  
04:40PM 12 he is doing anything to destroy evidence in this case. I don't  
04:40PM 13 know that that's a TRO. I think that's more akin -- you can file  
04:40PM 14 a motion with respect to that. None of this sounds in TRO to me.

04:41PM 15           Obviously, the medical issue, I hope you're doing better.

04:41PM 16           MS. SCHLUMP: Thank you.

04:41PM 17           THE COURT: I hope it's not, obviously, more than a short  
04:41PM 18 delay on a case.

04:41PM 19           But I don't see the emergency nature of the TRO. This  
04:41PM 20 seems to me at best a preliminary injunction. There is nothing  
04:41PM 21 that's happening today that wasn't happening when you filed the  
04:41PM 22 suit or even a month before, right? In fact, if anything, like  
04:41PM 23 the dates seem to line up sometime at the end of the year, right?

04:41PM 24           I'm in April. I don't see why the request for a TRO is  
04:41PM 25 not stale.

04:41PM 1 MS. SCHLUMP: I understand your concerns, Your Honor, and  
04:41PM 2 that is why we didn't file it as an emergency TRO.

04:41PM 3 I agree that most of the damage has already been done.  
04:41PM 4 But the issue is that we keep receiving evidence of destruction of  
04:41PM 5 evidence. We are trying to compile enough evidence to file a  
04:42PM 6 motion for spoliation because we are very concerned with the fact  
04:42PM 7 that all of this evidence is disappearing, so we are hoping to  
04:42PM 8 file that very shortly. We're waiting for a specific piece of  
04:42PM 9 evidence that we wanted to bring before the Court.

04:42PM 10 So, yes, I agree with you this is not an urgent matter  
04:42PM 11 for having a TRO immediately, but it is ongoing harm that we would  
04:42PM 12 like to stop.

04:42PM 13 THE COURT: That's why a preliminary injunction I think  
04:42PM 14 is more appropriate. All a TRO is going to get you is ten days  
04:42PM 15 before we get to the PI. I don't see the urgent nature.

04:42PM 16 I will tell you that even from my own scheduling  
04:42PM 17 purposes, as you might have heard, some of you were here for the  
04:42PM 18 other hearing, I am out of the district Monday or Tuesday. I am  
04:42PM 19 here Wednesday, but I start a criminal trial on Thursday that's  
04:43PM 20 likely to go a week.

04:43PM 21 And so my intention was to deny your request for a  
04:43PM 22 temporary restraining order, but set a preliminary injunction  
04:43PM 23 hearing and refer that though to the magistrate judge who has  
04:43PM 24 got -- you know, he doesn't have my trial schedule, so he can hear  
04:43PM 25 the preliminary injunction. He will issue a report and

04:43PM 1 recommendation on the preliminary injunction, which then I would  
04:43PM 2 hear any objection and I will rule on it as soon as possible.

04:43PM 3 But it seems to me that the harm that you're sounding, as  
04:43PM 4 best I can tell, I might be wrong, but to the extent that we're  
04:43PM 5 really talking about the spoliation issue, that seems to me more a  
04:43PM 6 spoliation than a PI; but I don't want to get too ahead of myself.  
04:43PM 7 We can handle that as a PI; and it might not even be a PI, it  
04:43PM 8 might be just an issue on spoliation.

04:43PM 9 And I will tell you that even as you've pled it so far,  
04:43PM 10 we'll see what the defense says, but if I got sued for  
04:44PM 11 distributing the materials about a woman and I may have done that  
04:44PM 12 with other women, then I might say to myself "Maybe I shouldn't do  
04:44PM 13 that any more. Let me delete that. Let me take that back. Let  
04:44PM 14 me not do these things I'm being alleged that I'm doing because  
04:44PM 15 maybe these are bad things I shouldn't be doing." That may be one  
04:44PM 16 of the things that's going on. That's not spoliation. I don't  
04:44PM 17 know.

04:44PM 18 Some of the stuff that's in this motion, I'm not finding  
04:44PM 19 on its face what the connection is to this case. I assume you  
04:44PM 20 will make that argument to Judge Torres and connect it up how it's  
04:44PM 21 connected to this case because some of that I don't know is a  
04:44PM 22 spoliation issue even, right; at least how you've pled it so far  
04:44PM 23 or how you've argued it so far.

04:44PM 24 So I called you in for the status because I didn't know  
04:44PM 25 if there was something else that was happening with respect to the

04:44PM 1 timing for the TRO. I am assuming that you've also been talking  
04:45PM 2 to counsel because you were together for the joint scheduling  
04:45PM 3 report.

04:45PM 4 MS. SCHLUMP: Correct.

04:45PM 5 MR. BRETTLER: Sorry, Your Honor. We were shocked to  
04:45PM 6 hear about this.

04:45PM 7 THE COURT: Sir, I'm talking to counsel for plaintiff. I  
04:45PM 8 will get to you.

04:45PM 9 So you were definitely together for the joint scheduling  
04:45PM 10 report.

04:45PM 11 MS. SCHLUMP: Yes, and no we did not discuss a motion for  
04:45PM 12 TRO during the joint scheduling; we just discussed scheduling.

04:45PM 13 I would say, Your Honor, that I understand what you're  
04:45PM 14 saying about the spoliation. But one of the reasons that we were  
04:45PM 15 moving for the TRO is because I do think that the defendant is  
04:45PM 16 destroying evidence, and so we were looking for an order asking  
04:45PM 17 him to respect the preservation of evidence rules. And we had  
04:45PM 18 sent him a letter before the complaint was even filed asking him  
04:45PM 19 to preserve evidence. I mean, he has even deleted messages  
04:46PM 20 between him and the plaintiff. That to me is destruction of  
04:46PM 21 evidence that's relevant to this case.

04:46PM 22 THE COURT: We're getting way ahead of ourselves, right?

04:46PM 23 MS. SCHLUMP: Well, so that was one of the reliefs that  
04:46PM 24 we were seeking in the motion, was just that he be ordered to  
04:46PM 25 preserve and not delete any further evidence.

04:46PM 1 THE COURT: So I don't even think that's subject to the  
04:46PM 2 TRO, and I'll tell you why.

04:46PM 3 You have both a preservation letter, plus a complaint,  
04:46PM 4 plus a scheduling order. If the defendant after having notice of  
04:46PM 5 the suit is destroying evidence -- I mean he's also got lawyers  
04:46PM 6 who I am sure are advising him of what he can and can't do -- if I  
04:46PM 7 were to find or if Judge Torres finds as part of a discovery issue  
04:46PM 8 that he has destroyed evidence, well there's all sorts of remedies  
04:47PM 9 that the Court can take to do that.

04:47PM 10 The order that you're seeking requires him to do nothing  
04:47PM 11 more than he's already required to do because he can't destroy  
04:47PM 12 evidence now, right? You can't destroy evidence after you're on  
04:47PM 13 notice of the suit and the preservation letter has been sent; so  
04:47PM 14 if he is in fact destroying evidence, he can't do that. If he  
04:47PM 15 doesn't think it's destroying evidence for some reason, well that  
04:47PM 16 will all play out either in a motion for spoliation or maybe in  
04:47PM 17 the preliminary injunction.

04:47PM 18 But to issue a temporary restraining order now on some  
04:47PM 19 sort of urgent basis, one, I think that it's stale because even  
04:47PM 20 that has been going on for some time. That's not something that  
04:47PM 21 you found out right now and I need to stop it right now.

04:47PM 22 MS. SCHLUMP: Right.

04:47PM 23 THE COURT: So I am going to deny your motion for a TRO.  
04:47PM 24 I know I just set it for status, but I don't want to have to set  
04:47PM 25 the TRO for Wednesday to tell you what I'm telling you now because

04:48PM 1 I don't think -- I've read your papers, and I think based on your  
04:48PM 2 papers the TR0 is stale.

04:48PM 3 But unless I hear an objection from you -- not that your  
04:48PM 4 objection would necessarily change my mind, but I'm going to let  
04:48PM 5 you put the objection on the record if you have one, but I will  
04:48PM 6 deny your TR0 and set you to go to Judge Torres to have him set  
04:48PM 7 the hearing for the preliminary injunction.

04:48PM 8 MS. SCHLUMP: We have no objection, Your Honor.

04:48PM 9 THE COURT: All right. Now, sir, I can hear from you.

04:48PM 10 MR. BRETTLER: I'm sorry, Your Honor. With the Court's  
04:48PM 11 ruling right now, I don't think that there is any reason for us to  
04:48PM 12 argue any further.

04:48PM 13 I will point out no one is destroying evidence. I will  
04:48PM 14 further point out that we had no meet and confer efforts with  
04:48PM 15 plaintiff's counsel about this. We were stunned to see not only  
04:48PM 16 one but two motions it looked like for a TR0 filed yesterday. And  
04:48PM 17 I understand that counsel did say that they didn't file it as an  
04:48PM 18 emergency TR0, but by its very nature TR0s are an emergency --  
04:48PM 19 seeking emergency relief.

04:49PM 20 We agree with the Court's assessment and have no  
04:49PM 21 objection to having this referred to the magistrate for the PI  
04:49PM 22 hearing.

04:49PM 23 THE COURT: So there were two TR0s, but I thought the  
04:49PM 24 second one essentially amended the first. There wasn't a  
04:49PM 25 different recovery; is that correct?

04:49PM 1 MS. SCHLUMP: Our administrative assistant did the  
04:49PM 2 filings, and I think what happened was she neglected to include  
04:49PM 3 Exhibit 3, and so she refiled. So that was a -- it's the exact  
04:49PM 4 same thing. There's not two motions.

04:49PM 5 THE COURT: So I'm going to deny 20 because the motion  
04:49PM 6 was the same; it was that exhibit that was different. I will deny  
04:49PM 7 20 because 20 was duplicative as, in essence, of 21.

04:49PM 8 MS. SCHLUMP: Yes.

04:49PM 9 THE COURT: And then 21 I am going to deny the request  
04:49PM 10 for the TRO and refer the preliminary injunction to Judge Torres,  
04:49PM 11 and that's ECF 21.

04:49PM 12 And then I will leave it to Judge Torres to decide what  
04:49PM 13 briefing schedule, if any, he wants to give the defense. He might  
04:50PM 14 just set it for hearing or he might give you an opportunity to  
04:50PM 15 brief it. I don't know what Judge Torres will do, but I will give  
04:50PM 16 it to him to do on the preliminary injunction.

04:50PM 17 Let me just say, you know, I don't think that there is --  
04:50PM 18 I have to check the local rule on this because I can't cite it  
04:50PM 19 from memory, although I probably should be able to -- I don't  
04:50PM 20 think there is an obligation necessarily for them to confer on the  
04:50PM 21 TRO. That being said --

04:50PM 22 And I think that's one of the exceptions to conferral,  
04:50PM 23 but I think you're going to agree with me on that, counsel.

04:50PM 24 MS. SCHLUMP: Yes, I do. I definitely confirmed that  
04:50PM 25 before I filed.

04:50PM 1 THE COURT: I don't think there is a requirement. That  
04:50PM 2 being said, this does strike me as something that you could talk  
04:50PM 3 about and say because even from the evidence that plaintiff has  
04:50PM 4 shown, it seems like the defendant, at least with these messages  
04:50PM 5 to the plaintiff, is suggesting that he would withdraw the video  
04:50PM 6 or try to do things with the video to take it out of the public  
04:50PM 7 space. That seems like something you might be able to work out;  
04:51PM 8 maybe not. I don't know.

04:51PM 9 And if there is an issue of the destruction of evidence,  
04:51PM 10 that's something that on a motion for spoliation you will have to  
04:51PM 11 confer. It seems to me that you should be conferring about this,  
04:51PM 12 that it makes most sense, and especially if you want a resolution  
04:51PM 13 that's quicker, is to talk about it because you will have to set  
04:51PM 14 it for PI, there will be a hearing, there will have to be a  
04:51PM 15 written report and recommendation, it will have to come to me. I  
04:51PM 16 think you should pick up the phone and talk.

04:51PM 17 I mean it is a little odd, ma'am, I will just say. If  
04:51PM 18 you're sitting talking about the schedule and everything, clearly  
04:51PM 19 you were already working on the TRO, probably the defendant didn't  
04:51PM 20 love to get that TRO filed, like, the day after you were  
04:51PM 21 conferring for an hour on the schedule. It doesn't mean you  
04:51PM 22 couldn't do it; it's just that it's not great.

04:51PM 23 MS. SCHLUMP: I didn't -- I hear what you're saying, Your  
04:51PM 24 Honor.

04:51PM 25 THE COURT: It's not a great way to start a case.

04:52PM 1 MS. SCHLUMP: We have had discussions with counsel prior  
04:52PM 2 to this, and they were not very productive, so I did not think  
04:52PM 3 that discussing this matter with them -- I mean Mr. Brettler just  
04:52PM 4 said his client is not destroying evidence. We know the client is  
04:52PM 5 destroying evidence. We've seen it. So it's just not --

04:52PM 6 THE COURT: Hold on. Hold on. When I speak, you have to  
04:52PM 7 stop.

04:52PM 8 MS. SCHLUMP: Sorry. Go ahead. Yes. Sorry.

04:52PM 9 THE COURT: One, not just because I'm the judge; but two,  
04:52PM 10 because my court reporter only writes down what one person says,  
04:52PM 11 and I promise it's always what I'm saying if there are two people  
04:52PM 12 talking.

04:52PM 13 My point to you is you can tell them "Your client is  
04:52PM 14 destroying evidence." Of course they're going to tell you that  
04:52PM 15 he's not; I would hope they're going to say that. Now, if you  
04:52PM 16 show them evidence of it, they're probably not going to say "Yeah,  
04:52PM 17 he is destroying evidence," but they might talk to their client  
04:52PM 18 and come to some agreement with you about what he can and can't  
04:52PM 19 do.

04:52PM 20 So, you know, productivity isn't them acquiescing to your  
04:53PM 21 allegation, but you might be able to get some resolution of what  
04:53PM 22 he can and can't do in this space in terms of what he can do with  
04:53PM 23 his emails and what he can do with his chats. I mean there are so  
04:53PM 24 many platforms and things now, I don't even try to keep up with  
04:53PM 25 them. Even though I have a teenager and I think I do keep up with

04:53PM 1 them, I don't because there is something new that comes out every  
04:53PM 2 day. So whatever platforms he is chatting with people or talking  
04:53PM 3 to people on, you know, these things I know are moving targets,  
04:53PM 4 but it's always productive to talk.

04:53PM 5 And let me just say one more thing because it's day --  
04:53PM 6 not day one because you filed in February, but we're really early  
04:53PM 7 on in this litigation that will be before me for God knows how  
04:53PM 8 long. You need to confer.

04:53PM 9 MS. SCHLUMP: Understood.

04:53PM 10 THE COURT: And you need to confer a lot. I think good  
04:53PM 11 lawyers working in good faith can work a lot of things out; and  
04:53PM 12 when you can't, that's my job and I'm happy to hear disputes. I  
04:54PM 13 obviously love it; otherwise I wouldn't want this job. But the  
04:54PM 14 dispute is better and it's easier for the Court and it's fairer  
04:54PM 15 for the parties if what's before the Court has really been  
04:54PM 16 crystalized by conferral.

04:54PM 17 So I hear you that these lawyers aren't going to agree  
04:54PM 18 with you probably on much when it comes to the substance, but it  
04:54PM 19 does help to crystalize the issues if you at least talk to each  
04:54PM 20 other. And it's very difficult when they've been sitting with you  
04:54PM 21 for an hour talking about the schedule, you never mentioned the  
04:54PM 22 TRO and it gets filed, it doesn't help in terms of the lawyers  
04:54PM 23 trusting each other to at least bring issues in good faith.

04:54PM 24 It's a complex case. I understand, you know, it's a  
04:54PM 25 sensitive matter for your client, I understand that. But if we

04:54PM 1 want to go forward in a way that's productive going forward, I'm  
04:54PM 2 going to encourage you as best you can to talk to the lawyers.  
04:55PM 3 Keep talking to the defense lawyers. And I'm not telling you to  
04:55PM 4 agree with them, I'm just telling you that to work in good faith  
04:55PM 5 to try to bring things to the Court when they have been  
04:55PM 6 crystalized and when they have been vetted by both sides. I think  
04:55PM 7 that only helps the Court and I think it only helps the parties.

04:55PM 8 So as I said, for purposes of my ruling, I find that the  
04:55PM 9 request for a TRO is stale. There is no urgent issue before the  
04:55PM 10 Court. It can be handled at the preliminary injunction.

04:55PM 11 Because of my court schedule and my trial schedule, it  
04:55PM 12 will be referred to the magistrate judge. I would expect that by  
04:55PM 13 Monday, you know, his chambers will reach out to you by order or  
04:55PM 14 by phone or something or Tuesday maybe to figure out what those  
04:55PM 15 dates are and what that schedule is.

04:55PM 16 All right. Anything else on behalf of the plaintiff?

04:55PM 17 MS. SCHLUMP: No, Your Honor.

04:55PM 18 THE COURT: On behalf of the defendant?

04:55PM 19 MR. BRETTLER: The only thing, Your Honor, is I will  
04:55PM 20 absolutely appear in person at future hearings. The only reason I  
04:55PM 21 couldn't is because we only had 18 hours' notice of this one;  
04:55PM 22 otherwise, I would have been on an airplane, and appreciate the  
04:56PM 23 Court's accommodation.

04:56PM 24 THE COURT: Look, I missed it because I saw Bilzin and I  
04:56PM 25 missed that there was an L.A. lawyer on it. And I just wanted to

04:56PM 1 have it today because I'm out of the district Monday and Tuesday.  
04:56PM 2 I didn't want to on a TRO wait till Wednesday, and so we just  
04:56PM 3 jumped on it to set a hearing. I know it's Friday afternoon.  
04:56PM 4 It's almost 5:00 o'clock. Sorry, Miami traffic. Friday afternoon  
04:56PM 5 is rough. I wasn't trying to punish anybody, I've just had  
04:56PM 6 hearings all day, and so this is the space I had for you all.

04:56PM 7 All right. Thank you very much.

04:56PM 8 MR. BRETTLER: Thank you, Your Honor.

04:56PM 9 THE COURT: We're in recess.

04:56PM 10 MS. SCHLUMP: Thank you, Your Honor.

04:56PM 11 MR. GARCIA PEREZ: Thank you, Your Honor.

04:56PM 12 (Proceedings adjourned at 4:56 p.m.)

13 C E R T I F I C A T E

14 I hereby certify that the foregoing is an accurate  
15 transcription of the proceedings in the above-entitled matter.

16 DATE: 4/8/25

/s/Vernita Allen-Williams  
17 VERNITA ALLEN-WILLIAMS, RMR, FCRR  
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